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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.: '08 MJ 8344
v.	COMPLAINT FOR VIOLATION OF
Miguel DE LA CRUZ, Defendant.	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about April 23, 2008, within the Southern District of California, defendant Miguel DE LA CRUZ did knowingly and intentionally import approximately 164.80 kilograms (362.56 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th, DAY OF APRIL 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Miguel DE LA CRUZ

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon Wood.

On April 23, 2008, at approximately 0550 hours, Miguel DE LA CRUZ entered the United States at the Calexico, California East Port of Entry (POE). DE LA CRUZ was the driver, registered owner, and sole occupant of a 1995 Ford F-350 with California license plate number 5D41711.

Customs and Border Protection Officer (CBPO) M. Moreno was manning primary lane one (1) when DE LA CRUZ applied for entry into the United States (US). DE LA CRUZ stated to CBPO M. Moreno that he was the registered owner of the vehicle. CBPO M. Moreno noticed a height discrepancy on the truck's flat bed. CBPO stated that DE LA CRUZ became nervous, avoided eye contact and had trembling hands. CBPO M. Moreno referred the truck to the vehicle secondary lot for a more intensive inspection of the vehicle.

In the vehicle secondary lot, Customs and Border Protection Canine Officer (CEO) B. Pyburn was conducting a lot sweep with his assigned Human-Narcotic Detector Dog (HNDD). CEO B. Pyburn's HNDD alerted to the bed area of the Ford F-350. CEO B. Pyburn drilled an area of the vehicle bed that appeared to have a non factory compartment. The drilling resulted in negative results. CEO B. Pyburn notified CBPO A. Frausto of the alert and the negative results from the drilling.

CBPO A. Frausto inspected the vehicle and noticed what appeared to be a compartment. CBPO A. Frausto spoke with DE LA CRUZ. CBPO A. Frausto stated that DE LA CRUZ appeared nervous by avoiding eye contact. CBPO A. Frausto drove the vehicle to the cargo facility to be x-rayed. The x-ray screening was negative. CBPO A. Frausto drove the vehicle to a lift and had the vehicle lifted. CBPO A. Frausto noticed that the u-bolts that hold down the bed had been smeared with mud from the nuts down. CBPO A. Frausto decided to use a fiber optic scope through the hole that CEO B. Pyburn had drilled. CBPO A. Frausto requested that CEO Pyburn widen the hole to make it easier for insertion. As CEO B. Pyburn was widening the hole, he retrieved a green, leafy substance that field tested positive for marijuana, a Schedule I Controlled Substance. CBPO A. Frausto removed the bed from the truck and upon further inspection discovered a total of one-hundred-thirty-eight (138) packages with a total weight of 164.80 kilograms (362.56 pounds).

Special Agent (SA) Brandon Wood placed DE LA CRUZ under arrest for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. DE LA CRUZ was advised of his Constitutional Rights, per Miranda, which he acknowledged and waived.

DE LA CRUZ stated that he agreed to smuggle a controlled substance into the United States for $1000. DE LA CRUZ stated that he did not know that drugs were in the vehicle this particular day (April 23, 2008). DE LA CRUZ was processed, booked, and transported to Imperial County Jail.